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Attorneys for Defendant
NATIONAL TOBACCO COMPANY, LP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAYMOND RILEY p.k.a. Boots Riley,
SOLOMON DAVID and MARLON IRVING
p.k.a. Lifesavas,

Plaintiffs,

v.

NATIONAL TOBACCO COMPANY LP,
Defendant.

Case No. C-08-01931 JSW

**DECLARATION OF WINIFRED
CHANE IN SUPPORT OF MOTION
BY DEFENDANT NATIONAL
TOBACCO COMPANY TO DISMISS,
TRANSFER OR STAY IN FAVOR OF
FIRST-FILED ACTION IN NEW
YORK; OR IN THE ALTERNATIVE
TO DISMISS OR TRANSFER FOR
IMPROPER VENUE UNDER 12(B)(3)
AND 28 U.S.C. § 1406(a); OR, IN THE
ALTERNATIVE, TO TRANSFER FOR
THE CONVENIENCE OF THE
PARTIES AND WITNESSES UNDER
28 U.S.C. § 1404(a)**

Date: June 13, 2008

Time: 9:00 a.m.

Crtrm: 2, 17th Floor

Before: The Honorable Jeffrey S. White

[FILED VIA E-FILING]

1 I, Winifred Chane, declare as follows:

2 1. I am Director of Marketing of The CMJ Network, Inc., which acts as an agent for
3 defendant National Tobacco Company, L.P. ("NTC") and runs NTC's Zig-Zag® Live
4 ("ZigZagLive") promotions. I have personal knowledge of the matters set forth herein, and, if called
5 as a witness, I could and would testify competently thereto.

6 2. I attended ZigZagLive-sponsored concerts in November 2007 in New York, New
7 York, and Boston, Massachusetts at which the band Galactic featuring Boots Riley and Lifesavas
8 performed.

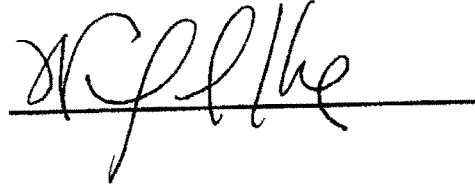
9 3. At the end of the shows, Boots Riley spent significant time speaking with ZigZagLive
10 marketing representatives at a ZigZag Live table. The table included a number of items prominently
11 featuring the Zig-Zag® brand, such as t-shirts, posters, and cigarette paper products. ZigZagLive
12 marketing representatives at the shows provided both Boots Riley and Lifesavas with lots of Zig-
13 Zag® branded merchandise free of charge. Boots Riley and Lifesavas accepted the merchandise,
14 and did not complain of the affiliation with Zig-Zag®.

15 4. Boots Riley, along with other performing members of the band Galactic, signed a
16 number of posters containing the ZigZagLive logo. True copies of two such posters are attached as
17 Exhibit A. Boots Riley signed the poster as "Boots," which is visible on Exhibit A.

18 5. One item displayed at the ZigZagLive tables at the events was a ZigZag Live branded
19 guitar to be given away through a sweepstakes entered through the ZigZagLive website. During his
20 visits with ZigZagLive marketing personnel at the shows, Boots Riley repeatedly requested that he
21 be provided with a ZigZagLive guitar. A true copy of a photo of the guitar is attached as Exhibit B.

22 6. Neither Boots Riley nor the members of Lifesavas ever complained to me about
23 sponsorship by or affiliation with ZigZag Live at the events, and I am not aware that they made any
24 complaints regarding ZigZag Live's sponsorship before late March 2008.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration was executed on May 2, 2008 at New York,
3 New York.



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Exhibit A

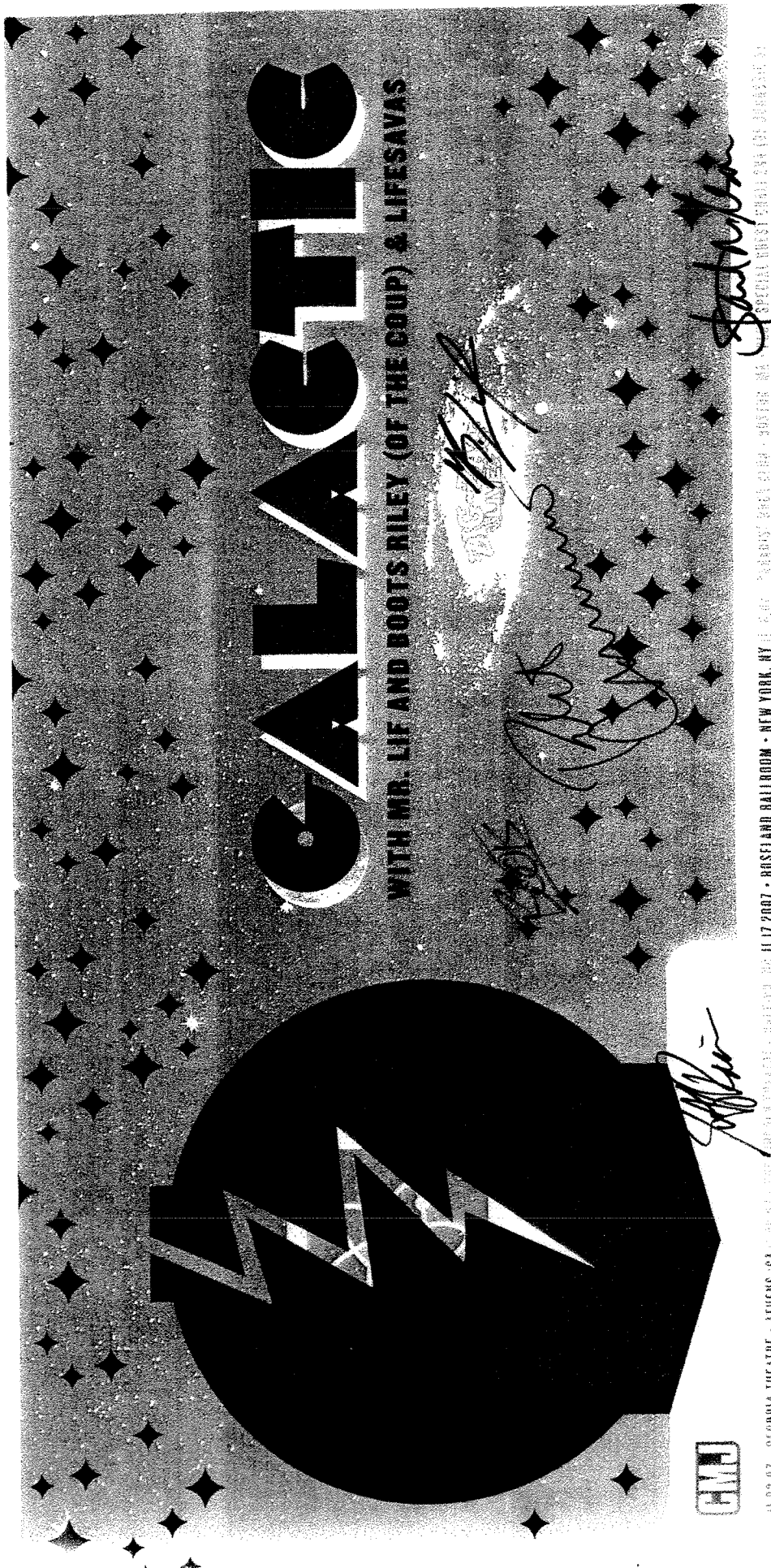




Exhibit B



EXHIBIT B